

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38174 of 2022

Arising Out of PS. Case No.-406 Year-2022 Thana- MADHEPURA District- Madhepura

Ganesh Bhagat S/o Late Bucho Bhagat, Resident of Village- Belha Ghat,
Ward No.- 1, P.S.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Madhepura P.S. Case No. 406 of 2022, lodged under Sections
448, 307, 504/34 of the Indian Penal Code read with Section 27
of Arms Act.

As per prosecution case, the name of petitioner
alongwith 4 other accused persons are there in the F.I.R.. The
allegation against the petitioner is that, he alongwith 4 other
named persons on the order of Yogendra Mukhiya, surrounded
the informant and his brother. Allegation against the present
petitioner is that, he fired by *desi katta* by which Raju Bhagat

injured and bleeding started in his left hand.

Learned counsel for the petitioner submits that there is a long pending land dispute between the parties. He further submits that petitioner is innocent and has committed no offence. He also submits that one another case which is mentioned in paragraph no.3 has been filed by the informant's wife against the petitioner and present case has been filed by the informant, except these two cases the antecedent of petitioner is clean. He further submits that petitioner is in custody since 01.05.2022, charge sheet has already been filed in this case. He further submits that there is no allegation that petitioner wants to kill anyone.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 406 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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